

REMARKS

Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50 and 52-60 are pending in the application.

Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50 and 52-60 have been rejected.

Claims 2, 15, 21, 34, and 49 have been amended. No new matter has been added.

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

Rejection of Claims under 35 U.S.C. § 112

Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Office Action, p. 2. Applicants respectfully traverse this rejection.

The Office Action asserts that in Claims 2, 15, 21, 34, and 49, the limitations “a communication channel,” “said communication channel,” “each said channel driver implementation,” and “a corresponding media-specific communication” purportedly lack proper antecedent basis. Applicants respectfully submit that Claims 2, 15, 21, 34, and 49 have been amended to address these rejections.

For at least these reasons, Applicants respectfully submit that independent Claims 2, 15, 21, 34, and 49, and all claims depending therefrom, are allowable over 35 U.S.C. 112, second paragraph. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 3743, 45-47, 49-50, and 52-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,092,509 issued to Mears et al. (“Mears”) in view of “Official Notice.” Office Action, p. 3. Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

The Office Action rejects independent Claims 2, 15, 21, 34 and 49 using substantially the same reasoning. *See* Office Action, p. 16. In light of this approach by the Office Action, and without conceding to the implication that either of these claims is substantially the same, Applicants provide Claim 2, as amended, as representative of the rejected claims:

2. An apparatus for communicating using a communication channel of one or more media-specific channels comprising:
 - a configurable communication server configured to
 - communicate, in a media-independent manner, via said communication channel of said one or more media-specific communication channels of one or more vendors using a corresponding channel driver associated with each communication channel, wherein each vendor of said communication channel of said one or more communication channels provides a channel driver implementation for a corresponding channel driver associated with said communication channel, and wherein said channel driver implementation is configured according to a common communication application program interface to allow the communication server to communicate via said communication channel independently of a media type of and vendor-dependent communication protocols for said communication channel,
 - access information regarding a type of communication that uses the communication channel,
 - determine a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing, and
 - determine an event response to perform in response to an event if the type of communication is incoming, wherein the information is accessed from a memory storing data corresponding to a configuration of the communication channel; and
 - a web browser-based media-independent user interface comprising a first user interface object configured to provide a notification of the event received from the communication channel, and wherein said user interface displays a single, web browser-based toolbar providing a visual depiction of all options available to a user to participate in said outgoing or incoming communications.

The Office Action relies on Mears and Official Notice (purportedly evidenced by Sadovsky and Furner), in combination, to purportedly show all the limitations of Claim 2. *See* Office Action, pp. 3-4. But, Applicants respectfully submit that Mears, Sadovsky, and Furner, alone or in combination, fail to show, teach or even suggest all the limitations of Claim 2, as amended.

The Office Action cites to Mears as purportedly disclosing Claim 2's "configurable communication server configured to . . . determine a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing, and determine an event response to perform in response to an event if the type of communication is incoming." *Id.*, p. 4. Applicants respectfully submit that the cited sections of Mears fail to show, teach, or even suggest the claimed determination of a command or an event response as required by the claim limitations.

The cited sections of Mears provide a purported configuration process for a call center system. *See* Mears, 10:23-26. Mears further provides that the configuration process is comprised of gathering configuration information and inserting the configuration information into a sequence. *Id.*, 10:26-35. This is equated by the Office Action to the claimed "determine a command to issue" and "determine an event response to perform." *See* Office Action, p. 4. But, the cited sections of Mears do not relate to making a determination of a command or an event response. In fact, Mears fails to show, teach, or even suggest any determining in response to incoming or outgoing communication, as claimed. The cited sections of Mears merely relate to configuring, which occurs in the absence of communicating by the call center. Thus, the cited sections of Mears fail to show, teach, or even suggest determining a command to issue to

the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing and determining an event response to perform in response to an event if the type of communication is incoming as required by the claim limitations.

The Office Action also cites to Mears to purportedly disclose a configurable communication server configured to communicate in a media-independent manner via one or more media-specific communication channels using a corresponding channel driver associated with each communication channel. *See* Office Action, pp. 3-4.

As an initial matter, Applicants respectfully submit that the particular parts of the cited references that the Examiner has relied upon have not been designated as nearly as practicable, and the pertinence of each reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). *See also* MPEP § 706.02(j). In fact, the Office Action has failed to provide proper correlation or equivalence between the claimed limitations and the cited references. Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action.

The Office Action fails to specify which structures of Mears actually correspond to the claimed media-specific communication channels and communication drivers. Instead, the Office Action cites to sections of Mears that provide a generalized discussion of the functionality of Mears' contact center system. *See* Office Action, p. 3 (citing Mears, 10:14-22). The cited sections of Mears suggest software and hardware in a contact system that purportedly provides for unified queuing of different media types. *See* Mears, 10:14-22. The Office Action asserts that the claimed configurable communication server that is configured to communicate in a media-independent manner via one or more media specific communication channels using a corresponding channel

driver associated with each communication channel is purportedly disclosed in Mears in the form of software for each media type. *See* Office Action, p. 3. But, it is unclear whether the software for each media type is representative of the communication server, the communication channels, and/or the communication driver. Even if the software for each media type could be equated to a communication channel and/or a communication driver (a point Applicants do not concede), nothing in Mears shows, teaches, or even suggests that the communication channel is media-specific and the communication driver corresponds to the media-specific communication channel.

In addition, the Office Action fails to specify which structures of Mears actually correspond to the claimed communication server. The cited sections, as a whole, fail to disclose a single communication server within Mears' contact center system. Instead, Figure 1 discloses an embodiment of a contact center system, which is comprised of a plurality of separate communication servers for each media type. *See* Mears, 8:24-32 & Figure 1. For example, Mears's plurality of communication servers include a CTI server 116, a fax server 118, an IVR server 114, VoIP server 136, remote access server 140, video server 138, internet server 134, chat server 135, email server 132, contact center server 122, and intranet/extranet server 124. *Id.*, Figure 1. Thus, Mears fails to show, teach, or even suggest a single, centralized mechanism that operates as the claimed communication server. And, even if one of the servers (i.e., the contact center server) could be equated to a single communication server (a point Applicants do not concede), there is no disclosure in Mears that this communication server operates in a media-independent fashion, as required by the claim. On the contrary, the presence of a plurality of communication servers within Mears' contact center system implies that

communication provided by each communication server is specific to each media type (i.e. phone, internet, chat, etc.) *See, e.g.,* Mears 41:57-59. Hence, Mears fails to disclose a single, centralized path to provide media-independent communication between the communication server and the corresponding communication channels and drivers.

Plus, there is nothing in the cited sections of Mears that shows, teaches, or even suggests a communication server that communicates in a media-independent manner via a media-specific communication channel using a corresponding communication driver. The cited sections of Mears merely provide a common queue for all media types. *See* Mears, Abstract, 1:20-30 & 3:19-40. But, Mears fails to provide media-independent communication either explicitly or implicitly. The cited sections of Mears provide that the contact center system receives contacts of different media types, maintains the contacts in a common queue, and routes the contacts to the respective agents based on the criteria of the contact. *Id.*, Abstract. Thus, the common queue merely gathers incoming contacts and provides those contacts to the appropriate agents. However, the queuing operations of the common queue in Mears do not equate to communicating, which implies transmitting, receiving, or both.

Even if the cited operations could somehow be equated to the claimed communicating, there is no provision in Mears for communicating in a media-independent manner. Mears itself admits that outgoing communications are not performed in a media-independent manner. Instead, Mears provides that the “receipt, queuing, and routing of each different type of media contact” is discussed separately. Mears, 41:57-59. By handling each type of media contact differently, Mears suggests media-dependent communications, thereby failing to disclose the claimed media-

independence. Hence, Mears fails to explicitly or implicitly disclose a communication server that communicates in a media-independent manner via a media-specific communication channel using a corresponding communication driver.

The Office Action further cites to Mears as purportedly disclosing Claim 2's "configurable communication server configured to . . . access information regarding a type of communication that uses the communication channel." *See* Office Action, pp. 3-4. Applicants respectfully submit that Mears fails to show, teach, or even suggest accessing information regarding a type of communication that uses the communication channel.

As discussed above, the cited sections of Mears provide a mechanism for configuring a call center system. *See* Mears, 10:24 – 11:5. As part of this configuration process, Mears provides that administrative features for configuring the system can be accessed through a link on a Web page being displayed on an agent workstation. *Id.*, 10:60-66. However, these cited sections do not relate to accessing information regarding a type of communication that uses the communication channel. Instead, the cited portions of Mears relate to configuring the call center system. Furthermore, there is no disclosure in these cited sections relating communication types to communication channels. In fact, Applicants submit that nothing in the cited configuration process can access the data to perform the limitations.

Finally, Applicants respectfully submit that the Official Notice taken by the Office Action fails to overcome the deficiencies of Mears. The Office Action asserts that Official Notice (evidenced by Sadosky and Furner) is taken for the concept that media-specific communication channels are of one or more vendors and each vendor of a

communication channel provides a channel driver implementation for a corresponding channel driver associated with said communication channel and each said channel driver implementation is configured according to a common communication application program interface. *See* Office Action, p. 4. In addition, the Office Action asserts that it would have been obvious to one of ordinary skill in the art to include this feature in Mears because doing so would allow Mears to use vendor specific communication channels by vendors of those communication channels. *Id.* But, as described above, Mears fails to provide media-independent communication. Instead, Mears only purportedly merges media-dependent types of communication into one queue. *See* Mears, Abstract. And, providing for vendor-specific handling for each media type in Mears does not overcome the lack of disclosure of media-independence. Therefore, it would not have been obvious to one of ordinary skill to combine the elements of the Official Notice with Mears to practice the invention of Claim 2, since one of ordinary skill in the art would not expect such a combination to provide a successful implementation of media-independent communication, as claimed.

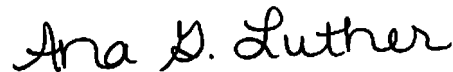
For at least these reasons, Applicants respectfully submit that neither Mears, Sadovsky, nor Turner, alone or in combination, disclose all the limitations of Claims 2, 15, 21, 34 and 49, and all claims depending therefrom, and that these Claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5094.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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